



19 DEC 2005

FITZPATRICK CELLA HARPER & SCINTO
30 ROCKEFELLER PLAZA
NEW YORK NY 10112

In re Application of
ROTH et al.
Application No.: 10/511,163
PCT No.: PCT/US03/12281
Int. Filing Date: 21 April 2003
Priority Date: 19 April 2002
Attorney Docket No.: 02618.4006X0
For: COMPOSITE STRUCTURAL MATERIAL
AND METHOD OF MAKING SAME

DECISION ON RESPONSE

This application is before the Office of PCT Legal Administration for issues arising under 35 U.S.C. 371.

BACKGROUND

On 21 April 2003, applicants filed international application PCT/US03/12281 which claimed a priority date of 19 April 2002. Pursuant to 37 CFR 1.495, the deadline for payment of the basic national fee in the United States was to expire 30 months from the priority date, 19 October 2004.

On 14 October 2004, applicant filed a Transmittal Letter (Form PTO-1390) for entry into the national stage in the United States which identified the international application as **PCT/US03/17281**. Applicants included a preliminary amendment and application data sheet, which referenced PCT/US03/12281.

On 05 April 2005, a Notification of Missing Requirements identifying international application **PCT/US03/17281**, was mailed to applicants indicating that an oath or declaration, in compliance with 37 CFR 1.497(a) and (b), and the surcharge for filing the oath or declaration after the thirty month period, was required.

On 04 August 2005, applicants filed a response to the Notification of Missing Requirements, including an executed declaration, directed to PCT/US03/12281.

DISCUSSION

A review of the international publication for PCT/US03/12281 reveals that this is the international application corresponding to the application submitted here. However, the Transmittal Letter submitted by applicants misidentified the international application number as

PCT/US03/17281. Based on applicant's error, a national stage application file was created for PCT/US03/17281, rather than for PCT/US03/12281.

In order to continue processing the national stage application for PCT/US03/12281, applicant must submit a petition under 37 CFR 1.182 to correct the error in the Transmittal Letter (Form PTO-1390) submitted on 14 October 2004. This petition must be accompanied by the \$400 petition fee and a corrected version of the Transmittal Letter (Form PTO-1390).

Applicant is given TWO (2) MONTHS from the mail date of this Communication to submit the required petition. Extensions of time may be obtained under 37 CFR 1.136(a).

Any further correspondence with respect to this matter should be addressed to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, VA 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.


Cynthia M. Kratz
Attorney Advisor
PCT Legal Office

Telephone: (571)272-3286
Facsimile: (571)273-0459